..... moves to amend S. F. No. 2370, the second engrossment, as amended, as follows:

Page 30, after line 31, insert:

"Sec. .... **FEDERAL WAIVER FOR MEDICAL CANNABIS.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Cannabis concentrate" has the meaning given in Minnesota Statutes, section 342.01, subdivision 15.

(c) "Marijuana" or "marihuana" have the meaning given in United States Code, title 21, section 802(16).

(d) "Medical cannabis" means medical cannabinoid products as defined in Minnesota Statutes, section 342.01, subdivision 52, and medical cannabis flower as defined in Minnesota Statutes, section 342.01, subdivision 45.

(e) "Office" means the Office of Cannabis Management.

(f) "Patient" has the meaning given in Minnesota Statutes, section 342.01, subdivision 59.

(g) "Registered designated caregiver" has the meaning given in Minnesota Statutes, section 342.01, subdivision 64.

(h) "Registry program" has the meaning given in Minnesota Statutes, section 342.01, subdivision 65.

(i) "Ultimate users" has the meaning given in United States Code, title 21, section 802(27).

Subd. 2. **Duty.** The office must attempt to obtain a waiver from the regular federal controlled substance registration for Minnesota medical cannabis businesses that cultivate, distribute, or dispense marijuana or marihuana, tetrahydrocannabinol, and cannabis concentrate. In attempting to obtain this waiver, the office must pursue all of the requirements outlined in this section in an effort to secure at least one of the waivers or a combination of them.

Subd. 3. **Waiver request.** (a) The office must apply for a waiver under Code of Federal Regulations, title 21, section 1307.03 and United States Code, title 21, section 822(d), to exempt businesses licensed by the state of Minnesota that are engaging in authorized cultivation, distribution, and dispensing of medical cannabis from the requirement that they register with the Drug Enforcement Agency and the United States Attorney General.

(b) The application must state that:

(1) the cultivation, distribution, and dispensing of medical cannabis to patients and caregivers in Minnesota's registry program by licensed businesses is consistent with public health and safety;

(2) the purpose of the waiver is to allow for commerce solely within the state of Minnesota and not interstate commerce or interstate marketing;

(3) in order to facilitate the granting of this waiver in a timely manner, the office requests that the waiver be granted via the issuance of a guidance document whether or not codification of the waiver in the Code of Federal Regulations is also pursued;

(4) the office requests waiver from any and all federal registration requirements but, if the request is not granted, the office alternatively requests exceptions to registration and fees such as those provided under Code of Federal Regulations, title 21, sections 1301.21 to 1301.29, or exceptions consistent with and not more restrictive than any granted to manufacturers and distributors of marijuana or peyote for medical or religious purposes such as those referenced in Code of Federal Regulations, title 21, section 1307.31; and

(5) the office requests a response within 120 days of receipt of the waiver request.

Subd. 4. **Review of denial or failure to respond.** (a) If the waiver request is denied or a response is not received by the office within 120 days of filing the waiver application, the office and the attorney general must determine whether a lawsuit is appropriate to compel a final decision or whether to file an appeal of the denial.

(b) When determining whether to appeal the denial or file a lawsuit to compel a final decision, the office and the attorney general must review:

(1) relevant examples of judicially crafted exemptions provided to entities which import, receive, manufacture, distribute, transport, possess, or use federal controlled substances; and

(2) the 2025 Minnesota Psychedelic Medicine Task Force Report, appendix G.

(c) If the office decides to not pursue litigation or an appeal, the office must explain its reasoning in the annual report required under Minnesota Statutes, section 342.04, paragraph (g).

Subd. 5. **Rule-change petition.** (a) The office must submit two petitions in the form and manner outlined in Code of Federal Regulations, title 21, section 1308.43(b) to initiate proceedings for the issuance of a rule or regulation to waive the regular registration requirements for businesses licensed by the state that are engaging in the authorized cultivation, distribution, and dispensing of medical cannabis.

(b) The first petition must propose a rule which waives any and all federal registration requirements.

(c) The second petition must propose a rule which provides alternatives to the regular federal registration and fees requirements such as those provided under Code of Federal Regulations, title 21, sections 1301.21 to 1301.29, or exceptions consistent with and not more restrictive than any granted to manufacturers and distributors of marijuana or peyote for medical or religious purposes such as those referenced in Code of Federal Regulations, title 21, section 1307.31.

(d) The petitions must state that:

(1) state-authorized cultivation, distribution, and dispensing of medical cannabis by Minnesota state-licensed businesses to patients and caregivers in Minnesota's registry program is consistent with public health and safety; and

(2) the purpose of the waiver is to allow for commerce solely within the state of Minnesota and not interstate commerce or interstate marketing.

Subd. 6. **Research waiver request.** The office must send a letter to the United States Attorney General requesting that, pursuant to United States Code, title 21, section 872(e), the attorney general authorize businesses licensed by the state to possess, distribute, and dispense medical cannabis and authorize patients; registered designated caregivers; and parents, legal guardians, or spouses of an enrolled patient to possess medical cannabis. If the attorney general responds in a way which requires the office to collect more data than it currently does on patients, the office must also request that identifying information

regarding patients; registered designated caregivers; and parents, legal guardians, or spouses of an enrolled patient not be disclosed.

Subd. 7. **Human services request.** The office must send a letter to the secretary of health and human services requesting that the secretary submit a formal request pursuant to United States Code, title 21, section 872(e) to the United States Attorney General requesting that the attorney general authorize businesses licensed by the state to possess, distribute, and dispense medical cannabis and authorize patients; registered designated caregivers; and parents, legal guardians, or spouses of an enrolled patient to possess medical cannabis.

Subd. 8. **Presumptions.** In seeking the waiver request or filing the rule-change petition, the office must be guided by the following presumptions:

(1) upon the approval of a waiver request, rule-change petition, or judicially crafted exemption, all persons in the registry program will become ultimate users who will not be in violation of federal law when possessing or using medical cannabis that has been dispensed by a medical cannabis business licensed by the office;

(2) upon the issuance of an authorization of an exemption from federal prosecution by the United States Attorney General, all persons in the registry program will become research subjects who will not be in violation of federal law when possessing or using medical cannabis that has been dispensed by a medical cannabis business licensed by the office; and

(3) when a state applies to the federal government for a waiver, the federal government will follow the requirements in Presidential Executive Order 13132.

Subd. 9. **Conforming to the federal waiver.** The office must include any changes to statute or agency funding levels that are required to comply with a federal waiver if the federal government:

(1) provides an alternative federal registration process that the office determines will require a change in statute or rule to allow Minnesota businesses to comply; or

(2) requires the office to collect more data than they currently can lawfully collect on patients as part of the conditions of a research waiver.

Subd. 10. **Disclosure requirement.** The office must make all official correspondence and filings with the relevant federal agencies required under this section publicly available on the office's website."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly